

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NICHOLAS YODER,

Plaintiff,

v.

SCOTT STEVENSON, *et al.*,

Defendants.

Case No. 20-12992

Honorable Nancy G. Edmunds

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S  
DECEMBER 20, 2021 REPORT AND RECOMMENDATION [35]**

This is a pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff Nicholas Yoder against Midland County and several of its employees and Advanced Correctional Healthcare (“ACH”). (ECF No. 1.) The case has been referred to Magistrate Judge David R. Grand for all pre-trial matters. (ECF No. 17.) Before the Court is the Magistrate Judge’s December 20, 2021 report and recommendation addressing Defendant ACH’s motion for summary judgment or to dismiss (ECF No. 19) and Plaintiff’s motion to voluntarily dismiss (ECF No. 27) and recommending sua sponte dismissal of certain claims. (ECF No. 35.) No party has filed objections. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” See *Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at \*2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nonetheless, the Court agrees with the Magistrate Judge. The Court, therefore, ACCEPTS AND ADOPTS the report and recommendation (ECF No. 35). Accordingly,

IT IS HEREBY ORDERED that Defendant ACH's motion for summary judgment or to dismiss (ECF No. 19) is GRANTED as to Plaintiff's Eighth Amendment claim.

IT IS FURTHER ORDERED that Plaintiff's motion to dismiss (ECF No. 27) is GRANTED as to his request for dismissal with prejudice of all claims against Defendants Stevenson, Randall, Derocher, and Close but DENIED AS MOOT as to his request for consolidation.

FINALLY, IT IS ORDERED that Plaintiff's Eighth Amendment claim against Defendant Midland County and his Fourteenth Amendment Equal Protection claim against Defendants ACH and Midland County are DISMISSED.

The only remaining claims in this action are Plaintiff's claims against Midland County that have been stayed pending resolution of the state criminal proceedings.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: February 16, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 16, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager